Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair Joan Duff, members Vincent Chiozzi, Zach Bergeron, Jay Doherty, Eric Macaux and associate member Ann Knowles; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Krafton Way – 9 Union Street:

Ms. Duff opened the public hearings on an application filed by Richard and Diane Krafton for a Definitive Subdivision Plan, a Special Permit for Earth Movement and a Special Permit for Disturbance of Slopes in Excess of 35% for a 2-lot subdivision to be located at 9 Union Street and to be known as Krafton Way.

Jack McQuilkin of J.M Associates representing the applicant stated that this property is a 2.7 acre parcel that abuts the Chinmaya Mission, the onramp to I-495 North and the Shawsheen River. The property currently contains a single family home with a driveway, garage, barn and shed. An ANRAD has been filed with Conservation and two wetlands and the riverfront have been delineated. The property slopes down from Union Street to the Shawsheen River. The property will be divided into two lots with Lot 1 containing the existing home and a new home will be built on Lot 2. It will be a local street subdivision with a 40 ft. right of way with a 120 ft diameter circular right of way at the end.

Mr. McQuilkin explained that a constraint on the property is that when the state took some of the land by eminent domain to build Interstate 495 they only allowed the property to have a 33 ft access point for the driveway with the remaining frontage labeled "no access". The right of way will be along the southern property line with the current curb cut for the access. The original plan design shows 12 ft. of pavement, but after the IDR it was decided that the pavement will now be 18 ft. The drainage for the subdivision will be handled by two underground infiltration fields and two deep sump catch basins. There will be two swales to keep any discharge off of abutting properties and running it out to the wetlands. The utilities will all be underground and come from Union Street. The new lot will have a separate sewer connection from a sewer main in the back of the property. This will require a filing with the Conservation Commission because the new sewer line will be in the 100 ft buffer of the wetlands. A partial waiver may be requested to the 18 ft of pavement for the portion of the right of way closest to Union Street. A waiver will be requested for the requirement that the first two driveways be within the first 150 ft of the right of way because this would cause irregular property lines or require an easement from Lot 1 to Lot 2. A waiver will be requested for the requirement of a 20 ft radius at the property line because the property line already exists and it is a 90° angle.

Ms. Knowles asked where the proposed garage would be and Ms. Byerley explained the property layout. Mr. McQuilkin added that the plan is for the garage for the new house to be under the house. Ms. Knowles asked Mr. McQuilkin to point out the areas of 35% grade and the cuts, and he showed her the four areas of 35% slope and the two areas of cuts.

Mr. Doherty asked if the proposed road is where the existing driveway is. Mr. McQuilin stated that it is to a point, but then it splits off from it. Mr. Doherty then asked how close the road is to the abutter. Mr. McQuilkin stated that it is about 22 feet and Ms. Byerley clarified that it is 22 ft to the property line and Mr. McQuilkin added that it is 50-75 ft to the abutter's building.

Krafton Way – 9 Union Street (cont'd):

Mr. Doherty asked if the property ever had problems with flooding. Richard Krafton, 9 Union Street, the applicant, stated that the area is constantly dry, even in the recent heavy rains. In years past when Woodworth Motors was flooded, the water stayed 200 ft away from their barn, and they did not have problems when Binney Street flooded which he believes was a problem with the catch basins.

Ms. Knowles asked if they have problems with water on the driveway with the steep slope and Mr. Krafton stated that they do not. Mr. McQuilkin pointed out the berm along the side of the pavement that will carry water to a catch basin and then into and infiltration trench. He also showed a swale along the property line that will direct water down to the wetland. Mr. Macaux asked where the areas of new impervious surface were and Mr. McQuilkin showed the area of the new pavement. Mr. Bergeron asked what was along the property line now. Mr. McQuilkin stated that there is a small retaining wall to a wooded area. Mr. Macaux asked if the retaining wall would be removed for the swale and Mr. McQuilkin stated that it would not be removed. Ms. Knowles asked Mr. McQuilkin to point out the area of clearing and he showed it on the plan.

Ms. Byerley stated that an IDR was held a few weeks ago and another waiver will have to be requested for the pavement to not be centered in the right of way. The right of way is proposed to be owned by either the new property with rights of access by the existing house or owned by both houses through a Homeowner's Association. The owner would be responsible for both the O&M Plan and the maintenance and plowing of the right of way. The plan will be redesigned from 12 ft to 18 ft of pavement at the encouragement of all departments. Revisions will be made to the plan based off of additional water and sewer information that the DPW has provided to the applicant's engineer. An NOI needs to be filed with the Conservation Commission for the sewer service on the new home. The applicant also needs to provide justification for each waiver requested.

Representatives from Chinmaya Mission, the abutting property, Thirumani Raghunath and Murali Chari addressed the Board regarding their concerns about stormwater management the potential of this development causing additional water on their property. Mr. Raghunath explained that they contacted Cammett Engineering and Cammett provided six issues that should be addressed regarding the infiltration system. Mr. Chari summarized these questions which were regarding test pits, a long term O&M Plan, stormwater calculations, a peer review, treatment of runoff from the driveway and the potential for runoff from grading at the driveway. He added that they were also concerned about Fire Truck access. Ms. Byerley listed their concerns and an email from Cammett Engineering was entered into the record.

Ms. Byerley stated that ESS Group has been contacted to perform a peer review on the applicant's stormwater report. She added that Town regulations state a project cannot increase the existing runoff and this will be reviewed in the peer review. Test pit information will also be part of the peer review, and Mr. McQuilkin added that they have done three test pits on the site that were witnessed by the DPW. He stated that it was designed to meet the groundwater separation in accordance with the stormwater management regulations. Mr. Chiozzi asked what month the test pits were done and Mr. McQuilkin stated February. Mr. Chiozzi then asked if they had historical data on the height of the groundwater and Mr. McQuilkin stated that they

Krafton Way – 9 Union Street (cont'd):

have done a full soil evaluation. Ms. Byerley added that all of this information is included in the stormwater report that will be reviewed by the peer reviewer.

Mr. Chari asked if the data was based on the 100-year storm or the 25-year storm. Mr. McQuikin stated that it was based on the 100-year storm.

The Board scheduled a site visit for Tuesday, June 10th at 7:00 p.m.

On a motion by Mr. Bergeron seconded by Mr. Doherty the Board continued the public hearings on Krafton Way, 9 Union Street, to June 10, 2014 at 7:30 p.m. **Vote:** Unanimous (6-0).

Warrant Articles 2014 Town Meeting:

Article 20 Sidewalk Construction - Holt Road:

Ms. Byerley stated that this warrant article is at the request of the Director of Municipal Services for \$138,000 to construct a sidewalk on Holt Road from Bancroft Road to Stinson Road. Based on the information that the Board encourages sidewalk connections where needed, and with this area being near the Bancroft School where they have a walk thru area from Holt Road to the school, she is suggesting that the Board vote to support the article at Town Meeting.

Mr. Chiozzi asked if the Bancroft School has a sidewalk and Ms. Byerley answered that it has an interior sidewalk. He asked if Holt Road was another entrance to the school, and Ms. Byerley showed on a map how there is a back pedestrian entrance from Holt Road. Mr. Doherty noted that this is the only part of Holt Road without a sidewalk.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board recommended favorable action at Town Meeting on Article 20 for the construction of a sidewalk on Holt Road and to take no action on the cost of the construction. **Vote:** Unanimous (6-0).

Article 24 Ballardvale Fire Station Restoration:

Ms. Byerley informed the Board that this is a private article entered in by a Mr. Robert Goldsmith to appropriate \$500,000 to repair the Ballardvale Fire Station. Mr. Goldsmith has indicated in an email that he intends to withdraw this article at Town Meeting, which will require a Town Meeting vote. She recommended that the Board take no action on the article.

On a motion by Mr. Bergeron seconded by Mr. Doherty the Board took no action on Article 24 Ballardvale Fire Station Restoration. **Vote:** Unanimous (6-0).

<u>Article 25 Ballardvale Fire Station Land Purchase & Article 26 Ballardvale Fire Station Addition:</u>

Ms. Byerley informed the Board that they were given a pamphlet on these warrant articles with a map and more information. Mr. Richard Bowen and the others who entered in these warrant articles are looking to purchase all or a portion of two abutting properties for an addition to the Ballardvale Fire Station. The Fire Chief is not supportive of these articles because the Ballardvale Fire Station Building Committee which was formed five years ago to make

Article 25 Ballardvale Fire Station Land Purchase & Article 26 Ballardvale Fire Station Addition (cont'd):

recommendations for the fire station has two different studies that show this area is not feasible to build a new station.

Mr. Chiozzi asked if the property is all upland or if there are wetlands present. Ms. Byerley stated that there are no wetlands on the properties, but there are some across the street. Mr. Chiozzi then asked if the landowners were on board with this. Ms. Byerley answered that she is not aware of if they are or not. Ms. Duff asked Mr. Bowen if there is an agreement with the landowners. Richard Bowen of 12 Bannister Road stated that he has had a conversation with both property owners and they have indicated a willingness to talk about selling their properties. They want the fire station to stay in that location. If this warrant article passes, any negotiations would have to come from the Town Manager. He noted that the \$200,000 is about 50% less than the assessed values for the properties. He added that because it is a private article, he cannot state where that money would come from. He added that the addition would be 2,500 s.f. so if you provided a 15 ft side yard for each property, the Town would not require 8,000 s.f., and it may be as little as 6,000 s.f.

Mr. Bergeron asked why the Fire Department doesn't support the article. Mr. Bowen stated that the committee was tasked with finding a site, developing schematics and putting together cost estimates. It comes as no surprise that the Fire Chief, having been involved in this process, would be opposed to these warrant articles. Ms. Byerley added that the committee has two studies done and neither recommended keeping the station at its current location.

Mr. Doherty stated that this is a money issue that the Board may not want to vote on. Mr. Bowen added that the Town had an engineering study done one month ago by a structural engineering firm that states that the present building is adequate. It also makes it very clear that things need to be done to the building soon. The estimated cost of structural fixes is \$350,000 which would be temporary repairs to extend the life of the building. This article is for permanent repairs. The money requested in the articles is for a land purchase and for planning to identify clearly those things in the building that need to be done. The building was originally designed for horse drawn vehicles so the ceiling is not high enough for modern apparatus and only one modified fire engine can fit in the building. The redesigned building would be able to house a fire engine, ambulance and a forestry unit.

Mr. Chiozzi asked about the square footage of the proposed fire station at the South School. Mr. Bowen answered 10,000 - 12,000 s.f. It would be a two story building with three bays for an engine, an ambulance and a ladder truck. He added that if the fire station is built on that site the Town would have to replace a ballfield.

Ms. Byerley recommended the Board take no action based on the cost and the conflicting information of the opinion of the committee and the proponents of this article.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board took no action on Article 25 Ballardvale Fire Station Land Purchase and Article 26 Ballardvale Fire Station Addition. **Vote:** Unanimous (6-0).

Article 57 Land Acquisition Chandler Road:

Ms. Byerley explained that this article is being put forth to correct a scrivener's error in an article that was passed at the 2013 Town Meeting. The article incorrectly identified the address as 141 Chandler Road, when it should have been written as "a portion of 138 Chandler Road."

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board supported the correction to the location of the land appropriation article previously approved by Town Meeting as written in Article 57 Land Acquisition – Chandler Road . **Vote:** Unanimous (6-0).

Article 59 Abandon Old Layout of Lowell Junction Road:

Ms. Byerley informed the Board that in 1968 the Town realigned Lowell Junction Road and the current layout was voted on and approved at Town Meeting. There is no record of the abandonment of the old Lowell Junction Road at the Registry of Deeds. This has been entered in as a private article is to have the proper records recorded at the registry. Ms. Byerley recommended that the Board support this article. Mr. Macaux questioned why no one had found this in a title search previously and Ms. Byerley stated that there may not have been any transactions that would have uncovered it.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board supported Article 59 Abandon Old Layout of Lowell Junction Road. **Vote:** Unanimous (6-0).

Article 60 Sewer Master Plan Study

Ms. Byerley informed the Board that this article has been entered in by the Director of Municipal Services and he is asking for \$100,000 for a feasibility study to see if sewer can be brought to the Dascomb Road and Lowell Junction Road areas. She recommended that the Board support this article with no action on the dollar value because this study supports the Master Plan initiative of the development of these areas.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board recommended favorable action at Town Meeting on Article 60 Sewer Master Plan Study but take no action on the dollar value. **Vote:** Unanimous (6-0).

Other Business:

Courtney Lane Pavement:

Ms. Byerley informed the Board that the Town's subdivision rules and regulations require certain right of way width and pavement standards for ANR endorsement. She showed the Board a property with the Assessor's map and parcel 83-19B which came up for endorsement in November 2012. At the time that new lot could not be created because the pavement width was not on the ground and the right of way width was 30 ft with a requirement of 40 ft. The applicant petitioned the Board to grant a waiver of the private way standards to allow for a new lot on Courtney Lane to be built with a 30 ft right of way with 18 ft of pavement. The Inspector of Building and the Fire Department supported the waivers and the Board granted the waivers with the understanding that only two lots would be using the private way. Since that time, another lot on Courtney Lane have proved to be buildable and an existing home on the corner of

Courtney Lane Pavement (cont'd):

County Road and Courtney Lane has applied to demolish the home and build a new home further back on the lot and access Courtney Lane. The Inspector of Buildings and the Fire Department agree that with the number of lots accessing Courtney Lane, the pavement should be 20 ft wide, adding two feet of pavement within the right of way. The previously approved turnaround easement for fire department access and the no parking signs will remain.

Mr. Chiozzi asked if Courtney Lane is an accepted street, and Ms. Byerley stated that it is not and would never be an accepted street. It is a private way owned by the accessing properties.

Mr. Macaux asked if it is the same developer who originally asked for the 18 ft and Ms. Byerley answered that it is the same developer. Ms. Knowles stated that it seems like a rear end move to increase what they had. She asked if it met everyone's requirements. Ms. Byerley stated that it will meet Planning requirements with the 20 ft, and they will have to go back before the Conservation Commission for the additional two feet because they are within the riverfront.

Mr. Chiozzi asked if the Town regulations would have allowed four lots. Ms. Byerley stated that the regulations do allow for a pavement reduction and she gave some examples of other streets granted a reduction. She also stated that she and the Inspector of Buildings believe that 20 ft will be sufficient.

Mr. Chiozzi asked if the drainage has been reviewed. Ms. Byerley stated that the Conservation Commission is reviewing the drainage. She added that there is a Homeowners Association that includes all of the lots and states that all have rights in the right of way.

Ms. Knowles asked if they could bring it to 22 ft. Mr. Macaux didn't see a reason to require 22 ft. Mr. Bergeron added that it seems like the developer is backdooring in additional properties. Ms. Byerley stated that they are not creating the way, the way exists. Mr. Macaux stated that if the Fire Department thinks 20 ft is fine, he would not second guess it.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board moved the applicant Carolina Properties construct the pavement for Courtney Lane to 20 feet as shown on Proposed Pavement Widening Courtney Lane prepared by Andover Consultants, Inc. **Vote:** Ms. Duff, Mr. Chiozzi, Mr. Doherty, Mr. Macaux and Mr. Bergeron voting yes; and Ms. Knowles voting no. (5-1).

Town Meeting:

The Board discussed the Town Meeting procedure and made decisions on who the Planning Board representative would be for certain articles.

Ms. Knowles suggested that the Board take a vote to support Article 21 GIS Data Update since updating the GIS will greatly help the Planning staff in serving residents.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board recommended favorable action at Town Meeting on Article 21 GIS Data Update. **Vote:** Unanimous (6-0).

Adjournment: The meeting was adjourned at 8:49 p.m.